

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

V.

0.094 ACRES OF LAND, MORE OR LESS,
SITUATED IN HIDALGO COUNTY,
TEXAS; AND EDIBERTO B. REYNA, JR.,
ET AL.

Defendant.

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CASE NO. 7:08-CV-302

JOINT STATUS REPORT

The parties file this status report to inform the Court regarding the status of this case.

PROCEDURAL HISTORY

1. This is a condemnation case involving land in Los Ebanos, Hidalgo County, Texas that the United States acquired in 2008 for the border fence/infrastructure project.
2. On March 25, 2019, this Court abated this action at the request of Defendant in order to allow for new surveys and to gather information regarding additional acquisitions in furtherance of resolving this action. On December 19, 2019, the United States filed an advisory with the Court stating that surveys were going to be finalized regarding any additional acquisitions and requested an additional forty-five (45) days to file an Amended Declaration of Taking. *See* Dkt No. 115. Upon receipt of the Advisory, the Court issued an order on January 2, 2020 granting the United States request for a forty-five (45) day extension. *See* Dkt No. 116. Subsequently, the Court issued a corrected scheduling order on January 8, 2020. *See* Dkt. No. 117.
3. On February 12, 2020, the United States filed an Unopposed Motion for Extension of

Time as a result of delays from private contractors for work yet to be obtained by the United States Army Corps of Engineers (“USACE”). Specifically, these delays have had a significant impact on the completion of appraisals and title necessary to file a complete and accurate Amended Declaration of Taking. Upon learning this information, the United States informed Defendant of the delays and proposed settlement for the tracts currently defined and at issue in the case.

4. On February 14, 2020, the court granted the United States Motion to Extend, set a deadline of June 5, 2020 to file a status report and set a status conference for June 17, 2020. See Dkt. No. 120.
5. On May 13, 2020, the United States filed an Amendment to Declaration of Taking and an Amended Complaint in Condemnation acquiring additional land from Defendant. See Dkt. No. 122 and 121 respectively.
6. On May 15, 2020, the United States deposited the sum of twenty-thousand six-hundred and fifty dollars (\$20,650) in the Court’s registry. See Dkt. No. 124.
7. On June 3, 2020, the defendant filed an amended answer to the complaint.

STATUS UPDATE

8. The parties have been unable to resolve the issue of just compensation to date.
9. In light of the additional takings, Dkts. No. 121, 122, Defendants respectfully requests this court to enter a scheduling order setting deadlines for discovery and expert reports. While Defendant’s expert has made significant progress on the expert report regarding the 2008 takings, Defendant requires additional time to prepare the expert report regarding the new May 13, 2020 takings. For that reason, Defendant respectfully requests 150 days to complete its appraisal report.
10. Plaintiff is not opposed to the requests made by Defendants. Plaintiff will continue to work with Defendant to try and resolve the issue of just compensation prior to trial.

11. Additionally, Plaintiff alerts the court of additional takings identified by the USACE that will result in another action in the future. To that end, Plaintiff requires additional time to conduct discovery regarding the new tracts and acquire an expert appraisal for trial.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Efrén C. Olivares, hereby certify that I electronically submitted a true and correct copy of the foregoing via the Court's ECF/CM system on the 5th day of June 2020, which will serve a copy on all counsel of record.

/s/ Efrén C. Olivares
Efrén C. Olivares